

APPLICANT(S): YELLIN ET AL.
SERIAL NO.: 09/387,310
FILED: 08/31/1999
Page 8

REMARKS

This Amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Office Action and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt reconsideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 4, 7, 10-21, 23-25, 27-31 and 33-51 are pending in the application. Claims 1-3 and 42-51 are canceled. Claims 4, 10, 23 and 28-30 are currently amended.

Cancellation of Claims

Claim 42-52 have been canceled without prejudice or disclaimer. Applicants reserve the right to resubmit any or all of these canceled claims in continuation or divisional applications.

Claim Rejections

35 U.S.C. § 103 Rejections

The Office Action rejected claims 4, 7, 10-21, 23-25 and 27-51 under 35 U.S.C. § 103(a), as being unpatentable over Banister et al. (US 6,567,390) in view of Raith (US 5,930,706) or Stengel et al. (US 5,265,270).

Regarding amended independent claims 4, 23, 28 and 30, Applicants assert that these independent claims include limitations that are not disclosed or suggested by any combination of Banister et al. with Raith and/or Stengel et al.

It is well established that obviousness requires a teaching or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the

APPLICANT(S): YELLIN ET AL.
SERIAL NO.: 09/387,310
FILED: 08/31/1999
Page 9

appropriateness of the combination, Applicants respectfully submit that the combination of Banister et al. in view of Raith or Stengel et al. does not meet the requirements of an obvious rejection in that, for example, one of the cited references discloses or suggests the element of "decoding the encoded message by combining the de-interleaved message with a priori data based on an expected content of the encoded message...", as claimed in amended independent claims 4, 23 and 28.

Since each of Banister et al., Raith, or Stengel et al., taken separately, is devoid of any teaching or suggestion of certain limitations recited in amended independent claims 4, 23, 28 and 30, the combination of Banister et al. and Raith or Stengel et al. must necessarily be devoid of the required teaching or suggestion of all the elements recited in amended claims 4, 23, 28 and/or 30. Consequently, the combination cannot make Applicants claims 4, 23, 28 and 30 obvious.

Applicants would like to emphasize that the preceding paragraphs are not intended to argue against Banister et al., Raith or Stengel et al. separately. Rather, Applicants have shown how all the cited references are devoid of certain claimed elements so that, by default, the combination is also devoid of at least some of the features of Applicants claimed invention.

Applicants note that claims 7, 10-21 depend from claim 4, claims 24-25 and 27 depend from claim 23, claim 29 depends from claim 28, and claims 31-41 depend from claim 30. Thus, in addition to any independent bases for patentability, Applicants respectfully submit that claims 7, 10-21, 24-25, 27, 29 and 31-41 are similarly patentable over the cited references by virtue of at least such dependency. Accordingly, Applicants respectfully request that the rejection of such claims be withdrawn.

In addition, Applicants note that Raith and/or Stengel et al. are not cited as curing the deficiencies of Banister et al. and do not, in fact, cure such deficiencies. In this regard, without conceding the appropriateness of the combination, or the characterization of such references vis-a-vis claims 4, 7, 10-21, 23-25, 27, 28-29 and 30-41, Applicants respectfully submit that the combination of Banister et al. in view of the Raith or Stengel et al. references

APPLICANT(S): YELLIN ET AL.
SERIAL NO.: 09/387,310
FILED: 08/31/1999
Page 10

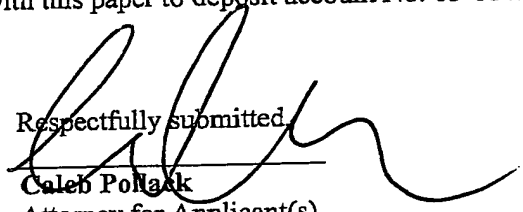
fails to disclose or suggest that which is claimed in claims 4, 7, 10-21, 23-25, 27, 28-29 and 30-41. Accordingly, in addition to any independent bases for patentability, Applicants respectfully submit that claims 4, 7, 10-21, 23-25, 27, 28-29 and 30-41 are similarly patentable over the cited references by virtue of at least such dependency.

Furthermore, Applicants have canceled claims 42-51 without prejudice or disclaimer. Applicants reserve the right to resubmit those canceled claims in continuation or divisional applications.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,


Caleb Pollack
Attorney for Applicant(s)
Registration No. 37,912

Dated: July 21, 2004

Eitan, Pearl, Latzer & Cohen Zedek, LLP.
10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3489